

JOURNAL OF THE HOUSE

EIGHTY-EIGHTH SESSION

NINTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, January 22, 2013

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Don Block, followed by the Pledge of Allegiance led by House page Joslynn Clauson.

Roll Call: All members present except Reps. Heinert, Killer, Magstadt, and Nelson who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the eighth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

1 The oath of office was administered by Speaker Gosch to the following named pages:

2 Karissa Buchholtz, Joslynn Clauson, Landon Fanning, Jordan Johnson, Patience Lunday,
3 Erin Mairose, Kaylynn Noethlich, Zoe Pease, Jacob Thomas, Brittany Thompson, Emily Wall

4 Which was subscribed to and placed on file in the office of the Secretary of State.

5 **REPORTS OF STANDING COMMITTEES**

6 MR. SPEAKER:

7 The Committee on Agriculture and Natural Resources respectfully reports that it has had
8 under consideration HB 1004 and returns the same with the recommendation that said bill be
9 amended as follows:

10 1004ta

11 On page 1, line 9, of the printed bill, after "§ 45-5A-4," insert "whether or not arising out
12 of an existing contract or lease,".

13 1004tb

14 On page 1, line 7, of the printed bill, delete "or if any surface owner fails or refuses to".

15 On page 1, delete line 8.

16 On page 1, line 9, delete "§ 45-5A-4".

17 On page 1, line 9, delete "either party's" and insert "the mineral developer's".

18 On page 1, line 11, delete "aggrieved party" and insert "surface owner".

19 And that as so amended said bill do pass.

20 Also MR. SPEAKER:

21 The Committee on Agriculture and Natural Resources respectfully reports that it has had
22 under consideration HB 1005 which was tabled.

23 Respectfully submitted,
24 Charles B. Hoffman, Chair

1 Also MR. SPEAKER:

2 The Committee on Transportation respectfully reports that it has had under consideration
3 HB 1080 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Mike Verchio, Chair

6 Also MR. SPEAKER:

7 The Committee on Local Government respectfully reports that it has had under
8 consideration HB 1076 and returns the same with the recommendation that said bill do pass.

9 Also MR. SPEAKER:

10 The Committee on Local Government respectfully reports that it has had under
11 consideration HB 1068, 1078, and 1079 and returns the same with the recommendation that said
12 bills do pass and be placed on the consent calendar.

13 Respectfully submitted,
14 Tona Rozum, Vice Chair

15 **MESSAGES FROM THE SENATE**

16 MR. SPEAKER:

17 I have the honor to transmit herewith SB 24, 35, 39, 43, and 65 which have passed the
18 Senate and your favorable consideration is respectfully requested.

19 Respectfully,
20 Jeannette Schipper, Secretary

21 **MOTIONS AND RESOLUTIONS**

22 HCR 1001 Introduced by: Representatives Nelson, Bartling, Campbell, Hansen, Hawks,
23 Heinert, Hoffman, Kaiser, Magstadt, May, Olson (Betty), Otten (Herman), Qualm, Schaefer,
24 Schoenfish, Schrempp, Stalzer, Tulson, Tyler, and Verchio and Senators Van Gerpen, Bradford,
25 Frerichs, Jensen, Kirkeby, Lederman, Lucas, Maher, Omdahl, Otten (Ernie), Rhoden, and Welke

26 A CONCURRENT RESOLUTION, In opposition to certain actions by animal rights groups to
27 undermine agricultural producers.

WHEREAS, South Dakota's rich history is primarily based on agriculture and agricultural products; and

WHEREAS, South Dakota's economy is largely based on agricultural goods and services; and

WHEREAS, agriculture has a twenty-one billion dollar impact on our state economy; and

WHEREAS, our rural heritage and future well-being depend primarily on a strong agricultural base; and

WHEREAS, animal agriculture is a critical component of South Dakota's economy and agricultural infrastructure; and

WHEREAS, farmers and ranchers understand the importance of humane treatment and care of all farm animals; and

WHEREAS, misleading information has negatively impacted the agriculture industry; and

WHEREAS, extreme animal rights organizations pose a significant risk to agricultural producers and the agricultural community in South Dakota and in the nation as a whole:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-Eighth Legislature of the State of South Dakota, the Senate concurring therein, opposes any attempt for any ballot initiative or acts by the Humane Society of the United States, People for the Ethical Treatment of Animals, and other animal rights groups that would undermine the livelihood of agricultural producers.

Was read the first time and the Speaker waived the committee referral.

HCR 1002 Introduced by: Representatives Bolin, Campbell, Craig, Ecklund, Erickson, Feickert, Gosch, Greenfield, Haggar (Don), Haggar (Jenna), Hansen, Heinemann (Leslie), Hickey, Hoffman, Kaiser, Kirschman, Kopp, Latterell, Magstadt, Miller, Munsterman, Nelson, Olson (Betty), Peterson, Qualm, Schaefer, Schoenfish, Sly, Solum, Stalzer, Steele, Tyler, Verchio, and Wick and Senators Jensen, Begalka, Otten (Ernie), and Van Gerpen

A CONCURRENT RESOLUTION, Urging the United States Supreme Court to revisit the Roe v. Wade case and to overturn its decision.

WHEREAS, on January 22, 1973, the United States Supreme Court issued its ruling in the case of Roe v. Wade; and

WHEREAS, Supreme Court Justice Byron White, a dissenter in the case, described the decision by the majority as "an exercise of raw judicial power"; and

WHEREAS, the case overturned state laws in forty-six states; and

1 WHEREAS, the decision in Roe v. Wade overturned South Dakota's state statutes on the
2 subject of abortion; and

3 WHEREAS, technological advances in the last forty years such as invitro photography have
4 documented the clear humanity of the unborn child; and

5 WHEREAS, Norma McCorvey, the plaintiff in the case (the actual Roe), now repudiates and
6 regrets her involvement in the case; and

7 WHEREAS, this case has resulted in the death of countless millions of unborn children in
8 our nation:

9 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
10 Eighth Legislature of the State of South Dakota, the Senate concurring therein, that we do
11 hereby urge the United States Supreme Court to revisit the Roe v. Wade case, to overturn its
12 decision, and to allow this issue to be decided at the state level as it was prior to January 22,
13 1973.

14 Was read the first time and the Speaker waived the committee referral.

15 **CONSIDERATION OF REPORTS OF COMMITTEES**

16 Rep. Lust moved that the report of the Standing Committee on

17 State Affairs on HB 1056 as found on page 106 of the House Journal be adopted.

18 Which motion prevailed.

19 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

20 HB 1119 Introduced by: Representatives Tyler, Bartling, Craig, Feinstein, Gibson, Hawks,
21 Hawley, Heinert, Magstadt, May, Olson (Betty), Peterson, Rasmussen, Ring, Schaefer,
22 Schoenfish, Schrempp, Soli, and Wismer and Senators Frerichs, Bradford, and Welke

23 FOR AN ACT ENTITLED, An Act to establish a school-to-work grant program in the
24 Department of Education and to make an appropriation therefor.

25 Was read the first time and referred to the Committee on Education.

1 HB 1120 Introduced by: Representatives Munsterman, Erickson, Feinstein, Hansen,
2 Hawks, Heinert, Hickey, Kopp, Rozum, Sly, Stalzer, and Westra and Senators Johnston,
3 Kirkeby, Otten (Ernie), Peters, Soholt, and Welke

4 FOR AN ACT ENTITLED, An Act to allow regional intergovernmental cooperation for
5 sewer utilities and to provide for the establishment of rates and charges.

6 Was read the first time and referred to the Committee on Local Government.

7 HB 1121 Introduced by: Representatives Nelson, Bartling, Bolin, Campbell, Feickert,
8 Gibson, Greenfield, Hawks, Hawley, Hickey, Hunhoff (Bernie), Kaiser, Killer, Kirschman,
9 Kopp, Magstadt, May, Miller, Olson (Betty), Parsley, Peterson, Qualm, Rasmussen, Ring,
10 Russell, Schaefer, Schoenfish, Soli, Solum, Stalzer, Steele, Tulson, Tyler, Verchio, and Wick
11 and Senators Adelstein, Begalka, Bradford, Buhl, Frerichs, Holien, Jensen, Jones, Kirkeby,
12 Lederman, Lucas, Maher, Monroe, Omdahl, Otten (Ernie), Rhoden, Sutton, Tieszen, Van
13 Gerpen, and Welke

14 FOR AN ACT ENTITLED, An Act to require the publication of information on the
15 number of veterans and veterans with service-connected disabilities employed by South Dakota
16 state government.

17 Was read the first time and referred to the Committee on State Affairs.

18 HB 1122 Introduced by: Representatives Nelson, Bartling, Hawley, Magstadt, Olson
19 (Betty), Qualm, Rounds, Rozum, Russell, Schoenfish, Tulson, and Tyler and Senators Van
20 Gerpen, Bradford, Ewing, Frerichs, Jensen, Kirkeby, Lederman, Lucas, Maher, Monroe,
21 Rhoden, Tieszen, and Welke

22 FOR AN ACT ENTITLED, An Act to revise certain requirements relating to health
23 insurance plans for county officers and employees.

24 Was read the first time and referred to the Committee on Local Government.

25 HB 1123 Introduced by: Representatives Olson (Betty), Hoffman, May, Nelson, Russell,
26 Schaefer, and Schrempp and Senators Maher, Frerichs, Jones, Kirkeby, Krebs, and Van Gerpen

27 FOR AN ACT ENTITLED, An Act to increase the surcharge on certain hunting licenses.

28 Was read the first time and referred to the Committee on Agriculture and Natural
29 Resources.

1 HB 1124 Introduced by: Representatives Hoffman, Bartling, Cammack, Craig, Duvall,
2 Feickert, Kopp, May, Peterson, Qualm, Schaefer, Schoenfish, and Verchio and Senators Krebs,
3 Frerichs, Lucas, Otten (Ernie), Rampelberg, and Rhoden

4 FOR AN ACT ENTITLED, An Act to provide for the appointment of members of the
5 South Dakota Pulse Crops Council.

6 Was read the first time and referred to the Committee on Agriculture and Natural
7 Resources.

8 HB 1125 Introduced by: Representative Hoffman and Senator Novstrup (Al)

9 FOR AN ACT ENTITLED, An Act to allow perpetual care and maintenance guarantee
10 funds for cemeteries to be administered by cemetery corporations.

11 Was read the first time and referred to the Committee on Commerce and Energy.

12 HB 1126 Introduced by: Representatives Hoffman, Cronin, Erickson, Feickert, Feinstein,
13 Haggar (Don), Hansen, Hickey, May, Nelson, and Sly and Senators Tidemann, Heineman
14 (Phyllis), and Kirkeby

15 FOR AN ACT ENTITLED, An Act to repeal the massage therapy licensing requirements
16 and regulatory board.

17 Was read the first time and referred to the Committee on Commerce and Energy.

18 HB 1127 Introduced by: Representative Hoffman and Senator Novstrup (Al)

19 FOR AN ACT ENTITLED, An Act to provide for certain use of income and principal from
20 a perpetual care and maintenance guarantee fund for cemeteries.

21 Was read the first time and referred to the Committee on Commerce and Energy.

22 HB 1128 Introduced by: Representatives Russell, Greenfield, Kaiser, Miller, Nelson, and
23 Olson (Betty) and Senators Begalka and Monroe

24 FOR AN ACT ENTITLED, An Act to allow certain students to participate in the
25 opportunity scholarship program under certain circumstances.

26 Was read the first time and referred to the Committee on Education.

1 HB 1129 Introduced by: Representatives Russell, Greenfield, Kaiser, Miller, Nelson, and
2 Olson (Betty) and Senators Otten (Ernie) and Monroe

3 FOR AN ACT ENTITLED, An Act to prohibit businesses and employers from establishing
4 certain policies against the ability of an invitee or employee to store firearms and ammunition
5 in a locked motor vehicle parked on the premises.

6 Was read the first time and referred to the Committee on Commerce and Energy.

7 HB 1130 Introduced by: Representatives Hickey, Bolin, Craig, Cronin, Ecklund, Erickson,
8 Feinstein, Gibson, Gosch, Haggard (Jenna), Hajek, Hawks, Hoffman, Hunhoff (Bernie), Johns,
9 Lust, Mickelson, Munsterman, Rounds, Rozum, Russell, Schoenfish, Stalzer, Stevens, and
10 Verchio and Senators Kirkeby, Hunhoff (Jean), Jensen, Krebs, Lederman, Lucas, Maher, Otten
11 (Ernie), Soholt, Tidemann, and Van Gerpen

12 FOR AN ACT ENTITLED, An Act to revise the amount of personal property exempt from
13 levy in bankruptcy cases.

14 Was read the first time and referred to the Committee on Judiciary.

15 HB 1131 Introduced by: Representatives Hickey, Bolin, Craig, Cronin, Ecklund, Erickson,
16 Feinstein, Gibson, Gosch, Hajek, Hawks, Hoffman, Hunhoff (Bernie), Johns, Lust, Mickelson,
17 Munsterman, Rounds, Rozum, Russell, Schoenfish, Stalzer, Stevens, and Verchio and Senators
18 Kirkeby, Hunhoff (Jean), Jensen, Lederman, Lucas, Maher, Otten (Ernie), Tidemann, and Van
19 Gerpen

20 FOR AN ACT ENTITLED, An Act to revise the property exempted from levy in
21 bankruptcy cases.

22 Was read the first time and referred to the Committee on Judiciary.

23 HB 1132 Introduced by: Representatives Olson (Betty), Cronin, Erickson, Heinert,
24 Hoffman, Kaiser, Miller, Nelson, Russell, Verchio, and Wink and Senators Frerichs, Begalka,
25 Kirkeby, Krebs, Maher, Monroe, and Rampelberg

26 FOR AN ACT ENTITLED, An Act to include wolves in the definition of predator/varmint.

27 Was read the first time and referred to the Committee on Agriculture and Natural
28 Resources.

1 HB 1133 Introduced by: Representatives Munsterman, Conzet, Ecklund, Hawley, Lust,
2 Otten (Herman), and Sly and Senators Johnston, Frerichs, Kirkeby, and Tidemann

3 FOR AN ACT ENTITLED, An Act to establish an innovation grant program for school
4 districts and to make an appropriation therefor.

5 Was read the first time and referred to the Committee on Education.

6 HB 1134 Introduced by: Representatives Munsterman, Conzet, and Cronin and Senators
7 Kirkeby and Tidemann

8 FOR AN ACT ENTITLED, An Act to require legislative approval for the erection,
9 maintenance, and lease of certain buildings by the Board of Regents.

10 Was read the first time and referred to the Committee on State Affairs.

11 HB 1135 Introduced by: Representatives Hoffman, Craig, Cronin, Duvall, Feickert, Gosch,
12 Greenfield, Kopp, May, Nelson, Olson (Betty), Qualm, Schaefer, Schoenfish, and Schrempp and
13 Senators Rhoden, Begalka, Bradford, Brown, Ewing, Frerichs, Lucas, Maher, Monroe, Novstrup
14 (Al), Rampelberg, and Vehle

15 FOR AN ACT ENTITLED, An Act to regulate access to and use of public waters on public
16 and private property.

17 Was read the first time and referred to the Committee on Agriculture and Natural
18 Resources.

19 HB 1136 Introduced by: Representatives Cronin and Lust and Senators Rave and Brown

20 FOR AN ACT ENTITLED, An Act to affect medical services.

21 Was read the first time and referred to the Committee on State Affairs.

22 HB 1137 Introduced by: Representatives Cronin and Lust and Senators Rave and Brown

23 FOR AN ACT ENTITLED, An Act to impact education in South Dakota.

24 Was read the first time and referred to the Committee on State Affairs.

1 HB 1138 Introduced by: Representatives Cronin and Lust and Senators Rave and Brown

2 FOR AN ACT ENTITLED, An Act to revise the state aid to education formula and to
3 make an appropriation.

4 Was read the first time and referred to the Committee on State Affairs.

5 HB 1139 Introduced by: Representatives Cronin and Lust and Senators Rave and Brown

6 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding educational data
7 reporting.

8 Was read the first time and referred to the Committee on State Affairs.

9 HB 1140 Introduced by: Representatives Verchio, Feickert, Haggar (Jenna), Hawks,
10 Kaiser, Kopp, Miller, Olson (Betty), Otten (Herman), Peterson, Qualm, and Rozum and
11 Senators Rampelberg, Begalka, Kirkeby, and Maher

12 FOR AN ACT ENTITLED, An Act to revise the schedule for payment of excise taxes for
13 farm wineries.

14 Was read the first time and referred to the Committee on Taxation.

15 HB 1141 Introduced by: Representatives Peterson, Hansen, Kopp, Mickelson, Nelson,
16 Qualm, Romkema, Schrempp, and Verchio and Senators Ewing, Frerichs, Johnston, Kirkeby,
17 and Rhoden

18 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding certain motor
19 vehicle dealer license plates and permits.

20 Was read the first time and referred to the Committee on Transportation.

21 HB 1142 Introduced by: Representatives Wick, Campbell, Conzet, Gibson, Gosch,
22 Greenfield, Haggar (Jenna), Hawks, Heinemann (Leslie), Heinert, Hickey, Lust, Magstadt,
23 Munsterman, Novstrup (David), Rounds, Sly, and Steele and Senators Brown, Begalka,
24 Frerichs, Jensen, Kirkeby, Lederman, Lucas, Maher, Monroe, Olson (Russell), Rampelberg, and
25 Rhoden

26 FOR AN ACT ENTITLED, An Act to promote patient choice in selecting health care
27 providers.

28 Was read the first time and referred to the Committee on Health and Human Services.

1 HB 1143 Introduced by: Representatives Wick, Cronin, Dryden, Duvall, Erickson, Haggar
2 (Jenna), Hawley, Hoffman, Magstadt, Munsterman, Novstrup (David), Rozum, Sly, Tulson, and
3 Verchio and Senators Krebs, Adelstein, Holien, Kirkeby, Maher, Peters, Rave, Tidemann,
4 Tieszen, and White

5 FOR AN ACT ENTITLED, An Act to create a leased residential property classification and
6 to establish the school district general fund levy for the property classification.

7 Was read the first time and referred to the Committee on Judiciary.

8 HB 1144 Introduced by: Representatives Gibson, Heinert, Hickey, Hoffman, Killer, Kopp,
9 May, Olson (Betty), Parsley, Rozum, Verchio, and Wismer and Senators Kirkeby, Lucas,
10 Sutton, and Tidemann

11 FOR AN ACT ENTITLED, An Act to permit the euthanization of deer that have been
12 seriously injured in motor vehicle accidents.

13 Was read the first time and referred to the Committee on Transportation.

14 HB 1145 Introduced by: Representatives Gibson, Hawks, Heinert, Hickey, Hoffman,
15 Killer, Kopp, May, Olson (Betty), Parsley, Peterson, Rozum, and Verchio and Senators Kirkeby,
16 Lucas, Sutton, and Tidemann

17 FOR AN ACT ENTITLED, An Act to provide that road-killed animals are in the public
18 domain and to provide the means of possession.

19 Was read the first time and referred to the Committee on Transportation.

20 HB 1146 Introduced by: Representatives Gibson, Hawks, Heinert, Killer, Kopp, May,
21 Olson (Betty), Parsley, and Peterson and Senators Bradford, Kirkeby, Sutton, Tidemann, and
22 Welke

23 FOR AN ACT ENTITLED, An Act to prohibit private trapping by conservation officers
24 and certain Game, Fish and Parks employees.

25 Was read the first time and referred to the Committee on Agriculture and Natural
26 Resources.

27 HB 1147 Introduced by: Representatives Gibson, Hawks, Heinert, Hickey, Killer, Kopp,
28 May, Olson (Betty), Parsley, Peterson, and Verchio and Senators Bradford and Sutton

29 FOR AN ACT ENTITLED, An Act to transfer the administration and supervision of all
30 trapping statutes and rules to the Department of Agriculture.

1 Was read the first time and referred to the Committee on Agriculture and Natural
2 Resources.

3 HB 1148 Introduced by: Representatives Gibson, Hawks, Heinert, Hickey, Hoffman,
4 Killer, Kopp, May, Olson (Betty), Parsley, Peterson, Rozum, Verchio, and Wismer and Senators
5 Bradford, Kirkeby, Lucas, Sutton, Tidemann, and Welke

6 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the checking
7 of traps and removal of caught animals.

8 Was read the first time and referred to the Committee on Agriculture and Natural
9 Resources.

10 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

11 SB 24: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the
12 Board of Examiners of Psychologists.

13 Was read the first time and referred to the Committee on Health and Human Services.

14 SB 35: FOR AN ACT ENTITLED, An Act to allow the prosecution to appeal from certain
15 judgments of acquittal.

16 Was read the first time and referred to the Committee on Judiciary.

17 SB 39: FOR AN ACT ENTITLED, An Act to establish a penalty for a juvenile convicted
18 as an adult of a Class A or B felony and allow a sentence of up to life imprisonment after a
19 sentencing hearing.

20 Was read the first time and referred to the Committee on Judiciary.

21 SB 43: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
22 crossing of a railroad and to revise the penalty for certain railroad crossing violations by the
23 driver of a commercial motor vehicle.

24 Was read the first time and referred to the Committee on Judiciary.

25 SB 65: FOR AN ACT ENTITLED, An Act to revise certain exemptions from licensure by
26 the Real Estate Commission.

27 Was read the first time and referred to the Committee on Commerce and Energy.

1 **SECOND READING OF CONSENT CALENDAR ITEMS**

2 HB 1064: FOR AN ACT ENTITLED, An Act to provide for certain methods of
3 disbursement for school district flexible spending accounts.

4 Was read the second time.

5 The question being "Shall HB 1064 pass?"

6 And the roll being called:

7 Yeas 66, Nays 0, Excused 4, Absent 0

8 Yeas:

9 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
10 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
11 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie);
12 Johns; Kaiser; Kirschman; Kopp; Latterell; Lust; May; Mickelson; Miller; Munsterman;
13 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
14 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum;
15 Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;
16 Speaker Gosch

17 Excused:

18 Heinert; Killer; Magstadt; Nelson

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the bill passed and the title was agreed to.

21 HB 1051: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
22 director's orders to hazardous insurers.

23 Was read the second time.

24 The question being "Shall HB 1051 pass?"

25 And the roll being called:

26 Yeas 66, Nays 0, Excused 4, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
3 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
4 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie);
5 Johns; Kaiser; Kirschman; Kopp; Latterell; Lust; May; Mickelson; Miller; Munsterman;
6 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
7 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum;
8 Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;
9 Speaker Gosch

10 Excused:

11 Heinert; Killer; Magstadt; Nelson

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1054: FOR AN ACT ENTITLED, An Act to repeal certain rule-making authority for
15 the director of insurance.

16 Was read the second time.

17 The question being "Shall HB 1054 pass?"

18 And the roll being called:

19 Yeas 66, Nays 0, Excused 4, Absent 0

20 Yeas:

21 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
22 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
23 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie);
24 Johns; Kaiser; Kirschman; Kopp; Latterell; Lust; May; Mickelson; Miller; Munsterman;
25 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
26 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum;
27 Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;
28 Speaker Gosch

29 Excused:

30 Heinert; Killer; Magstadt; Nelson

31 So the bill having received an affirmative vote of a majority of the members-elect, the
32 Speaker declared the bill passed and the title was agreed to.

1 HB 1071: FOR AN ACT ENTITLED, An Act to revise the contents of the application for
2 the discharge of a civil judgment debt discharged in bankruptcy.

3 Was read the second time.

4 The question being "Shall HB 1071 pass?"

5 And the roll being called:

6 Yeas 66, Nays 0, Excused 4, Absent 0

7 Yeas:

8 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
9 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
10 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie);
11 Johns; Kaiser; Kirschman; Kopp; Latterell; Lust; May; Mickelson; Miller; Munsterman;
12 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
13 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum;
14 Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;
15 Speaker Gosch

16 Excused:

17 Heinert; Killer; Magstadt; Nelson

18 So the bill having received an affirmative vote of a majority of the members-elect, the
19 Speaker declared the bill passed and the title was agreed to.

20 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

21 HB 1003: FOR AN ACT ENTITLED, An Act to revise the purpose of the agriculture
22 mediation program.

23 Was read the second time.

24 Rep. Lust moved that HB 1003 be placed to follow HB 1072 on today's calendar.

25 Which motion prevailed.

26 HB 1020: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
27 evaluation and treatment of persons with mental illness.

28 Was read the second time.

1 The question being "Shall HB 1020 pass as amended?"

2 And the roll being called:

3 Yeas 59, Nays 6, Excused 5, Absent 0

4 Yeas:

5 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
6 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Hajek; Hansen; Hawks; Hawley;
7 Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie); Johns; Kirschman; Lust; Mickelson;
8 Miller; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
9 Qualm; Rasmussen; Ring; Romkema; Rounds; Russell; Schaefer; Schoenfish; Schrempp; Sly;
10 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
11 Wismer; Speaker Gosch

12 Nays:

13 Haggar (Don); Haggar (Jenna); Kaiser; Kopp; Latterell; May

14 Excused:

15 Heinert; Killer; Magstadt; Nelson; Rozum

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 Speaker declared the bill passed and the title was agreed to.

18 HB 1061: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
19 regulation of captive insurance companies.

20 Was read the second time.

21 The question being "Shall HB 1061 pass?"

22 And the roll being called:

23 Yeas 64, Nays 1, Excused 5, Absent 0

24 Yeas:

25 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
26 Ecklund; Erickson; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
27 Hansen; Hawks; Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie); Johns;
28 Kaiser; Kirschman; Kopp; Latterell; Lust; May; Mickelson; Miller; Munsterman; Novstrup
29 (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
30 Romkema; Rounds; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele;
31 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

32 Nays:

33 Feickert

1 Excused:
2 Heinert; Killer; Magstadt; Nelson; Rozum

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 HB 1055: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
6 unemployment insurance employer charges and claimant misrepresentation regarding benefit
7 overpayments and to correct references to certain provisions pertaining to unemployment
8 insurance.

9 Was read the second time.

10 The question being "Shall HB 1055 pass?"

11 And the roll being called:

12 Yeas 61, Nays 5, Excused 4, Absent 0

13 Yeas:
14 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
15 Ecklund; Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hansen;
16 Hawks; Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie); Johns; Kirschman;
17 Kopp; Lust; Mickelson; Miller; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman);
18 Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer;
19 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tyler; Verchio; Werner;
20 Westra; Wick; Wink; Wismer; Speaker Gosch

21 Nays:
22 Greenfield; Kaiser; Latterell; May; Tulson

23 Excused:
24 Heinert; Killer; Magstadt; Nelson

25 So the bill having received an affirmative vote of a majority of the members-elect, the
26 Speaker declared the bill passed and the title was agreed to.

27 HB 1070: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
28 failure to fulfill the responsibilities of jury duty.

29 Was read the second time.

1 1070ra

2 Rep. Rounds moved that HB 1070 be amended as follows:

3 On page 1, line 7, of the printed bill, delete "willfully fails" and insert "fails, without good
4 cause,".

5 Which motion prevailed.

6 The question being "Shall HB 1070 pass as amended?"

7 And the roll being called:

8 Yeas 64, Nays 2, Excused 4, Absent 0

9 Yeas:

10 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
11 Ecklund; Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hansen;
12 Hawks; Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser;
13 Kirschman; Kopp; Latterell; Lust; Mickelson; Miller; Munsterman; Novstrup (David); Olson
14 (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds;
15 Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens;
16 Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

17 Nays:

18 Greenfield; May

19 Excused:

20 Heinert; Killer; Magstadt; Nelson

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the bill passed and the title was agreed to.

23 HB 1072: FOR AN ACT ENTITLED, An Act to repeal certain provisions providing a
24 criminal penalty for a political party to endorse or nominate a judicial candidate.

25 Was read the second time.

26 The question being "Shall HB 1072 pass?"

27 And the roll being called:

28 Yeas 66, Nays 0, Excused 4, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
3 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
4 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie);
5 Johns; Kaiser; Kirschman; Kopp; Latterell; Lust; May; Mickelson; Miller; Munsterman;
6 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
7 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum;
8 Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;
9 Speaker Gosch

10 Excused:

11 Heinert; Killer; Magstadt; Nelson

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 Rep. Lust moved that HB 1003 be deferred to Wednesday, January 23, the 10th legislative
15 day.

16 Which motion prevailed.

17 **COMMEMORATIONS**

18 HC 1005 Introduced by: Representatives Parsley, Bartling, Bolin, Cammack, Campbell,
19 Carson, Craig, Cronin, Dryden, Duvall, Ecklund, Erickson, Feickert, Feinstein, Gibson,
20 Greenfield, Haggar (Don), Haggar (Jenna), Hajek, Hansen, Hawks, Hawley, Heinemann
21 (Leslie), Heinert, Hickey, Hoffman, Hunhoff (Bernie), Johns, Kaiser, Killer, Kirschman, Kopp,
22 Latterell, Magstadt, May, Miller, Nelson, Novstrup (David), Olson (Betty), Otten (Herman),
23 Peterson, Qualm, Rasmussen, Ring, Romkema, Rounds, Rozum, Russell, Schaefer, Schoenfish,
24 Schrempp, Sly, Soli, Solum, Stalzer, Steele, Stevens, Tulson, Tyler, Verchio, Werner, Westra,
25 Wick, Wink, and Wismer and Senators Frerichs, Adelstein, Begalka, Bradford, Brown, Buhl,
26 Ewing, Heineman (Phyllis), Holien, Hunhoff (Jean), Jensen, Johnston, Jones, Kirkeby,
27 Lederman, Lucas, Maher, Monroe, Novstrup (Al), Olson (Russell), Omdahl, Otten (Ernie),
28 Rave, Rhoden, Soholt, Sutton, Tidemann, Tieszen, Van Gerpen, Vehle, Welke, and White

29 A LEGISLATIVE COMMEMORATION, Commending and honoring the 2012 Habitat for
30 Humanity - South Dakota Habitat Supporters of the Year.

31 WHEREAS, Habitat for Humanity - South Dakota recently celebrated the hard work and
32 volunteers of the fourteen local Habitat for Humanity affiliates throughout South Dakota by
33 recognizing the work of the Habitat Supporters of the Year at the 2012 Fundraiser and
34 Recognition Banquet; and

35 WHEREAS, Habitat for Humanity throughout South Dakota has achieved another milestone
36 by the construction of the 404th home in South Dakota, which construction resulted from the

1 generosity of countless volunteers, as well as many sweat equity hours contributed by the
2 homeowner families; and

3 WHEREAS, Habitat for Humanity throughout South Dakota has impacted an additional 62
4 families via the Neighborhood Revitalization Program - A Brush with Kindness, which serves
5 low income homeowners by assisting them with minor repairs to the exteriors of their homes;
6 and

7 WHEREAS, it is fitting and proper that the South Dakota Legislature acknowledge the
8 unselfish work of these Habitat Supporters of the Year toward the goal of creating affordable
9 housing and eliminating poverty housing in South Dakota:

10 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the
11 State of South Dakota, that Don Burdick, Scott McCaskell, Sue Jarvis, Larson Manufacturing
12 and the Larson Family Foundation, Mike Kreamer, Marilyn Peterson, 3M of Aberdeen, Maurice
13 Hartmann, Lutheran Memorial Church of Pierre, Patti Linngren, Jo Wayrynen, First United
14 Methodist Church of Yankton, Home Federal Loan Bank, and Home Federal Bank have
15 achieved the distinction of Habitat for Humanity Supporters of the Year for 2012 in South
16 Dakota.

17 Rep. Steele moved that the House do now adjourn, which motion prevailed and at
18 3:00 p.m. the House adjourned.

19 Arlene Kvislen, Chief Clerk